



PUBLIC NOTICE

US Army Corps
of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No:

2002 00720

Date:

February 27, 2003

Phone:

(719) 543-8102

Suspense Date:

March 20, 2003

In Reply Refer to:

District Engineer, ATTN: CESPA-OD-R

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged and fill material for the Troy Hill Subdivision in a tributary of Sand Creek in Colorado Springs, El Paso County, Colorado. The project will include approximately 17,000 cu. yds. of native sand will placed as channel fill and 2693 linear feet of channel realignment. Details of the proposed project are provided below.

Name of Applicant: Zephyr Real Estate Company, 511 North Tejon Street, Colorado Springs, CO 80903. Agent: Berge-Brewer and Associates, Inc., 711 North Cascade Avenue, Colorado Springs, CO 80903, phone (719)227-7181.

Location: The project is located north of the intersection of Troy Hill Road and Airport Road (just west of Powers Boulevard) in a tributary of Sand Creek in Colorado Springs, El Paso County, Colorado, Sec. 13, Twp. 14S, Rge. 66W.

Description of Work: To construct the Troy Hill single family subdivision on 34 acres of land. Project includes 2693 feet of new channel construction, a total 5300 linear feet of riprap stream bank protection, 3.5 acres of channel fill, 11.1 acres of floodplain fill, 7 erosion check structures in the new channel, 181 single family lots, and interior roads and grading.

The total quantity of channel fill is 17,000 cu. yds. Work is expected to begin in Spring 2003 and be completed in Fall 2005.

Purpose and Need: The stated purpose of the project is to convey the 100 year storm event within the tributary. The stated need for the project is to allow the housing development to occur, to assure positive drainage into the realigned channel, and to provide a grass buffer along the stream for stormwater mitigation.

Mitigation Proposed by the Applicant: The applicant is proposing a grass buffer along the channel for stormwater quality mitigation.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

Diana Humphreys
U.S. Army Corps of Engineers
Southern Colorado Regulatory Office
720 North Main Street, Suite 205
Pueblo, CO 81003-3046
(719) 543-8102
Fax No. (719) 543-9475

Statement of Findings: The District Engineer has consulted the National Register of Historic Places and no properties listed in the Register are present at the site of the proposed construction. Consultation with the Colorado State Historic Preservation Office (SHPO) has not revealed any pending nominations. This constitutes the extent of cultural resource investigations by the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the SHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for El Paso County, Colorado: Black-footed ferret, greenback cutthroat trout, Ute ladies treeses orchid, Mexican spotted owl, and Preble's meadow jumping mouse, bald eagle. Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

The applicant has applied to the Colorado Department of Public Health and Environment for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for

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obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the U.S. Army Corps of Engineers, Albuquerque District Office or Southern Colorado Regulatory Office, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than March 20, 2003. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion

and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Dana R. Hurst
Lieutenant Colonel, US Army
District Engineer

Enclosure